

In The Name Of God, Most Gracious, Most Merciful

**Republic of Iraq
Federal Supreme Court
Ref.70 /Federal/Media/2014**



Kurdish text

The Federal Supreme Court has been convened on 23/6/2014, headed by the judge Madhat Al-Mahmood and membership of judges Farouk Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabndi, Abood Salih AL-Tememi, Michael Shamshon Qas Georges, and Hussein Abbas Abu Al-Temman, who authorized in the name of the people to judge and they made the following decision :

The Request:

The presidency of the federal court of appeal in AL-Karkh/ the first commission of appeal- requested from the FSC based on the letter No.(409/Sin/2014) on (8/6/2014) to review the dossier of appeal No. (409/Sin/2014) for the instance case No.(4/Beh/2014) based on the presented request by the appellant (Ha.Ain.Ain.) attached to the plaintiff's request (Ha.Ain.Ain.). during the reviewing of the request, the court found that the plaintiff, in the case No.(4/Beh/2014) for the court of instance in AL-Karkh which its decision is appealed in the appellate case No.(409/Sin/2014) by the same plaintiff, requests in his request- which its legal fee was collected on (1/6/2014) by the FSC- to approve to transfer the instance case No.(4/Beh/2014) of the court of instance in AL-Karkh and the appellate case No.(409/Sin/2014) to the FSC for deciding in the legitimacy of these reasons: political, sectarian, doctrinal, or ethnical for violating the articles of the Constitution (13, 14) based on the article (321) from the law of civil arguments and the article (4) from the bylaw of the FSC. The request put under scrutiny by the FSC and it reached the following decision.

The Decision:

During the scrutiny and deliberation by the FSC, it found that the plaintiff, the appellant in the case No.(4/Beh/2014) who is the same appellant in the appellate case No.(409/Sin./2014) of the federal court of appeal in Al-Karkh, requests to transfer the mentioned instance case and the appellate case to the FSC to decide the legitimacy of these reasons (political, sectarian, doctrinal, or ethnical) as included by the request. Since the competences of FSC determined by the article (4) from the law of FSC No.(30) of 2005 and the article (93) from the Constitution and it doesn't have among them the request subject, so the request of the appellant is out of the FSc competences and must be rejected. The court decided to reject the request from the competence point and to burden the requester of transferring the fees of the challenge. The decision was issued decisive and unanimously on 23/6/2014.